



IN THE UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Applicant Under 37 C.F.R. § 1.47(b): Omnicare, Inc. Inventor: Ralph F. Kalies

Filed: 06/27/2003 Art Unit: 3626

Serial No: 10/608,265 Docket No. 036806.00434

For: METHOD FOR CONDUCTING PRESCRIPTION DRUG
CO-PAYMENT PLANS

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)

With regard to the above-identified patent application, wherein Omnicare, Inc. is the applicant under 37 C.F.R. § 1.47(b) (the "Applicant") and Ralph F. Kalies is the inventor (the "Inventor"), this request for reconsideration is filed in response to the Office of Petitions notice of dismissal of petition mailed March 24, 2004 (copy enclosed), and is accompanied by:

- 1) a Declaration under 37 C.F.R. § 1.63 executed by the undersigned, an attorney registered to practice before the U.S. Patent and Trademark Office;
- 2) a Power of Attorney signed by an officer of Applicant, authorizing the undersigned to act on behalf of Applicant;
- 3) an assignment from the Inventor to Applicant (the "Assignment") for "IMPROVED PRESCRIPTION DRUG CO-PAYMENT PLAN," subject of provisional patent application no. 60/392,066 (the "Invention"); and
- 4) a Notice of Recordation Form Cover Sheet for the Assignment, for patent application no. 10/608,265, recorded at reel 014396, frame 0409.

I. Action Requested

Reconsideration of the Petition filed by Applicant on November 24, 2003 is hereby made in the above-identified application. The Commissioner is kindly requested to:

- 1) accord the above-identified application status under 37 C.F.R. § 1.47(b) as a "Filing When an Inventor Refuses to Sign or Cannot Be Reached;" and
- 2) accept the accompanying executed declaration as fulfillment of the requirement under 37 C.F.R. § 1.63 to submit an oath or declaration for the above-identified application and allow the application to pass to examination.

II. Declaration Under 37 C.F.R. § 1.63

In accordance with MPEP § 409.03(b), "No Inventor Available:"

- 1) The accompanying declaration under 37 C.F.R. § 1.63 was executed by the undersigned, an attorney registered to practice before the U.S. Patent and Trademark Office and authorized to sign on behalf of the Applicant; and
- 2) an executed Power of Attorney authorizing the undersigned to act on behalf of Applicant is attached hereto as proof of the undersigned's authority to execute said Declaration.

III. Right of Assignee-Applicant to Take Action

In accordance with 37 C.F.R. § 3.73, the Applicant offers as evidence of its right to take action on behalf of the Inventor a copy of the Assignment for the Invention, attached hereto, in which the Inventor assigned a 100% undivided interest in the Invention to Applicant. The Assignment is recorded in the Office at reel 014396, frame 0409. In the Assignment the Inventor further agreed to "execute all necessary and lawful future documents, including assignments in favor of Assignee . . . in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and letters Patent" Pursuant to his employment agreement with Applicant, the Inventor is also obligated to assign all patent rights in the Invention to the Applicant.

Note: the change in title from "IMPROVED DRUG CO-PAYMENT PLAN" for provisional patent application no. 60/392,066 to "METHOD FOR CONDUCTING PRESCRIPTION DRUG CO-PAYMENT PLANS" for nonprovisional patent application no. 10/608,265, which claims the benefit of said provisional patent application, does not represent any change in the scope of the Invention. Rather, the title was changed to more clearly describe the subject of the application.

IV. Necessity of Filing Application and Proof of Irreparable Damage

In accordance with 37 C.F.R. § 1.47(b), the Applicant hereby states that the filing date of the above-identified patent application is necessary to preserve the rights of the parties identified herein with regard to the Invention. Given the above circumstances, submission of the present Petition is believed to be the only course of action which will enable the application to proceed. Further, if the application is not allowed to proceed, Applicant will suffer irreparable damage due to the loss of the claim for priority for the Invention established under 35 U.S.C. § 120 with provisional patent application number 60/392,066.

V. Conclusion


In accordance with the Office of Petitions notice of dismissal of petition mailed March 24, 2004, Applicant has attached to this request for reconsideration an executed declaration in compliance with 35 USC §§ 115 and 116, and has supplied a statement that a filing date is necessary to preserve the rights of the parties and prevent irreparable damage. Applicant has not provided proof that the non-signing inventor refuses to sign the oath or declaration, a statement of last-known address of the non-signing inventor, and proof of proprietary interest, as this information was provided with the Petition filed by Applicant on November 24, 2003. Since these items were not noted as being deficient in the Office of Petitions notice of dismissal of petition, Applicant concludes that the information previously provided is sufficient to satisfy these requirements of 37 CFR 1.47(b).

In view of the foregoing, grant of this Petition is hereby requested.

Please direct any questions regarding this Petition to Applicant's undersigned attorney at the telephone number indicated below.

Respectfully submitted:

Date: 4-19-04

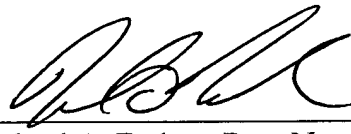
By: 
Michael A. Forhan, Reg. No. 46,706

THOMPSON HINE LLP
2000 Courthouse Plaza, N.E.
P.O. Box 8801
Dayton, OH 45401-8801
Tel. 937-443-6847, Fax 937-443-6635
Email: Michael.Forhan@ThompsonHine.com

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail EM 103840608 US, postage paid on this 19 day of APRIL 2004 in an envelope addressed to the following:

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Michael A. Forhan, Reg. No. 46,706



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

RECEIVED

MAR 29 2004

Paper No.

INTELLECTUAL PROPERTY
LAW GROUP
THOMPSON HINE LLP

Michael A. Forhan
Thompson Hine LLP
10 W. Broad Street, Suite 700
Columbus, OH 43215-3435

In re Application of
Ralph F. Kalies
Application No. 10/608,265
Filed: June 27, 2003
Attorney Docket No. 036806.00434

RECEIVED
MAR 29 2004
DOCKETED

COPY MAILED

MAR 24 2004

OFFICE OF PETITIONS

ON PETITION

MAF

5/24/04 resp due

This is in response to the "Petition Under 37 CFR 1.47(b), filed November 24, 2003.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor.
- (5) proof of proprietary interest: and

RECEIVED

MAR 26 2004

Applicant lacks items (2) and (6) set forth above.

“The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney or agent’s authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm’r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).”

With regard to item (6) noted above, petitioner has not provided proof of irreparable damage. Irreparable damage may be established by a showing (a statement) that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage. Rule 47 status cannot be accorded until such a showing is established.

By Mail:

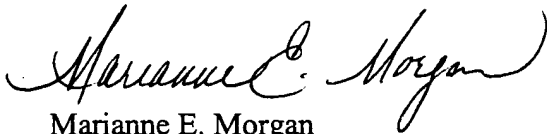
**Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

2011 South Clark Place
Crystal Plaza Two Lobby
Room 1B03
Arlington, VA 22202

The centralized facsimile number is (703) 872-9306.

Telephone inquiries should be directed to the undersigned at (703) 306-3475.

A handwritten signature in cursive script, reading "Marianne E. Morgan". The signature is fluid and elegant, with the first name "Marianne" and last name "Morgan" clearly distinguishable.

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Docket No. 036806.00434

DECLARATION UNDER 37 CFR §1.63

As attorney of record for the Assignee, Omnicare, Inc., I hereby declare that:

The name, residence, post office address and citizenship of the inventor are as follows:

Name of Sole Inventor : Ralph F. Kalies
Residence : 5770 Kumbier Road, Picket, Wisconsin, 54964
Citizenship : U.S.A.
Post Office Address : 5770 Kumbier Road, Picket, Wisconsin, 54964

I verily believe that Ralph F. Kalies is the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

METHOD FOR CONDUCTING PRESCRIPTION DRUG CO-PAYMENT PLANS

described and claimed

_____ in the attached specification;
X in the specification filed June 27, 2003,
as U.S. Application No. 10/608,265,
and as amended _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as filed and as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
<u>number</u>	<u>Country</u>	<u>Day/Mo/Yr</u>	<u>Yes</u>	<u>No</u>
_____	_____	_____	_____	_____
<u>number</u>	<u>Country</u>	<u>Day/Mo/Yr</u>	<u>Yes</u>	<u>No</u>
_____	_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/392,066
Application No.

June 27, 2002
Filing Date

Application No.

Filing Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.

Filing Date

Status

Application Serial No.

Filing Date


Status

Send Correspondence To: Michael A. Forhan
Thompson Hine LLP
2000 Courthouse Plaza N.E.
10 West Second Street
Dayton, Ohio 45402-1758

Direct Telephone Calls To: Michael A. Forhan
(937) 443-6847

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 4-19-04



Michael A. Forhan
Reg. No. 46,706
Attorney of Record of Assignee, Omnicare, Inc.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant(s) : Ralph F. Kalies
Appln. No. : 10/608,265
Filed : June 27, 2003
Title : METHOD FOR CONDUCTING PRESCRIPTION DRUG
CO-PAYMENT PLANS
Art Unit : 3626
Docket No. : 036806-434

Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

POWER OF ATTORNEY

All right, title, and interest in the above-identified patent application has been assigned to Omnicare, Inc., from the inventor, Ralph F. Kalies, by virtue of the Assignment recorded with the U.S. Patent and Trademark Office on March 4, 2004 at Reel 014396 / Frame 0409 (copy attached).

The undersigned, as Vice President of Omnicare, Inc., has reviewed the evidentiary documents for the above-identified patent application and hereby certifies that to the best of his knowledge and belief, all right, title, and interest in and to the above-identified application is in the name of Omnicare, Inc., the party seeking to take this action.

On behalf of Assignee and owner of the above-identified U.S. patent application, by assignment, Omnicare, Inc. hereby appoints:

Mark P. Levy	Reg. No. 27,922
Theodore D. Lienesch	Reg. No. 28,235
Douglas E. Erickson	Reg. No. 29,530
Michael A. Forhan	Reg. No. 46,706
Michael J. Nieberding	Reg. No. 39,316
Steven J. Elleman	Reg. No. 41,733
John F. Kane	Reg. No. 44,815
Rose Ann Dabek	Reg. No. 28,064
Jeffrey C. Metzcar	Reg. No. 52,027
Rodney M. Young	Reg. No. 40,882
Victor J. Wasylyna	Reg. No. 52,345

as its attorneys with full power of substitution and revocation, to transact all business in the U.S. Patent and Trademark Office connected therewith.

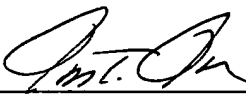
Address all correspondence and telephone calls to:

Michael A. Forhan, Esq.
Thompson Hine, LLP
2000 Courthouse Plaza NE
10 W. Second Street
Dayton, Ohio 45402-1758
Telephone: (937) 443-6847
Facsimile: (937) 443-6635

I, Regis T. Robbins declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

OMNICARE, INC.

Date: 3/19/04

By: 
Regis T. Robbins
Vice President

#330972



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



700069921A

MARCH 08, 2004

PTAS

THOMPSON HINE LLP
MICHAEL A. FORHAN
2000 COURTHOUSE PLAZA NE
10 WEST SECOND STREET
DAYTON, OH 45402

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/04/2004

REEL/FRAME: 014396/0409
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

KALIES, RALPH F.

DOC DATE: 10/14/2002

ASSIGNEE:

OMNICARE, INC.
100 EAST RIVERCENTER BLVD.
1600 RIVERCENTER II
COVINGTON, KENTUCKY 41011

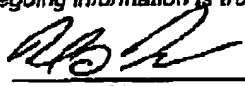
SERIAL NUMBER: 10608265
PATENT NUMBER:

FILING DATE: 06/27/2003
ISSUE DATE:

014396/0409 PAGE 2

JEEVON JONES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Docket No. 036806-434

Form PTO-1595 (Rev. 03/01) OMB No. 0851-0027 (exp. 5/31/2002) Tab settings		RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): Ralph F. Kalics Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies) Name: <u>Omnicare, Inc.</u> Internal Address: _____ _____ _____ Street Address: <u>1600 RiverCenter II</u> <u>100 East RiverCenter Blvd.</u> City: <u>Covington</u> State: <u>KY</u> Zip: <u>41011</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>October 14, 2002</u>		4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) <u>10/608,265</u> B. Patent No.(s) _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Michael A. Forhan</u> Internal Address: <u>Thompson Hine LLP</u> <u>2000 Courthouse Plaza NE</u> _____ Street Address: <u>10 West Second Street</u> _____ City: <u>Dayton</u> State: <u>OH</u> Zip: <u>45402</u>		6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41).....\$ <u>40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>20-0809</u> (Attach duplicate copy of this page if paying by deposit account)			
DO NOT USE THIS SPACE					
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. <u>Michael A. Forhan, Reg. 46,706</u> Name of Person Signing  Signature <u>3-3-2004</u> Date Total number of pages including cover sheet, attachments, and documents: <u>3</u>					

**Assignment of Rights in Invention
(Sole inventor; single assignee)**

Docket No.
036806.00393

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in:
IMPROVED PRESCRIPTION DRUG CO-PAYMENT PLAN Serial No. 60/392,066

(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;

And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;

Now, this indenture witnesseth, that for the sum of **ONE** *dollars (\$*
1 *), and other good and valuable consideration, the receipt whereof is hereby acknowledged;*

I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;

And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto;

Assignment of Rights in Invention
(Sole inventor; single assignee)

Docket No.
036806.00393

Inventor	Residence of Inventor
Ralph F. Kalies	5770 Kumbier Road Picket, WI 54964
Assignee	Residence or Principal Place of Business of Assignee
Omnicare, Inc.	1600 Rivercenter II 100 East Rivercenter Blvd. Covington, KY 41011

And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense.

Executed this 14 day of Oct, in the year 2002
at Cincinnati

Ralph F. Kalies
(Signature of Inventor)

State of Ohio

County of Hamilton

Before me personally appeared Ralph F. Kalies
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to
execute the same this 14th day of October, in the year 2002.



JAMES R. ELEY, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

James R. Eley
(Notary Public)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



700069921A

MARCH 08, 2004

PTAS

THOMPSON HINE LLP
MICHAEL A. FORHAN
2000 COURTHOUSE PLAZA NE
10 WEST SECOND STREET
DAYTON, OH 45402

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/04/2004

REEL/FRAME: 014396/0409
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
KALIES, RALPH F.

DOC DATE: 10/14/2002

ASSIGNEE:
OMNICARE, INC.
100 EAST RIVERCENTER BLVD.
1600 RIVERCENTER II
COVINGTON, KENTUCKY 41011

SERIAL NUMBER: 10608265
PATENT NUMBER:

FILING DATE: 06/27/2003
ISSUE DATE:

OPR/ASSIGNMENTS 3/8/04 6:37 PAGE 3/4 RightFAX

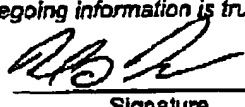
014396/0409 PAGE 2

JEEVON JONES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

937-1428818:
03/04/2004
700069921

03/04/04 8:55AM; JetFax #353; Page 2/4

Docket No. 036806-434

Form PTO-1595 (Rev. 03/01)		RECORDATION FORM COVER SHEET		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
OMB No. 0851-0027 (exp. 5/31/2002)		PATENTS ONLY			
Tab settings ⇌ ⇌ ⇌ ▼ ▼ ▼ ▼ ▼ ▼ ▼					
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
1. Name of conveying party(ies): Ralph F. Kalics			2. Name and address of receiving party(ies) Name: <u>Omnicare, Inc.</u> Internal Address: _____ _____ _____ Street Address: <u>1600 RiverCenter II</u> <u>100 East RiverCenter Blvd.</u> City: <u>Covington</u> State: <u>KY</u> Zip: <u>41011</u>		
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____					
Execution Date: <u>October 14, 2002</u>					
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) <u>10/608,265</u> B. Patent No.(s) _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Michael A. Forhan</u> Internal Address: <u>Thompson Hine LLP</u> <u>2000 Courthouse Plaza NE</u> _____ Street Address: <u>10 West Second Street</u> _____ City: <u>Dayton</u> State: <u>OH</u> Zip: <u>45402</u>			6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41).....\$ <u>40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>20-0809</u> (Attach duplicate copy of this page if paying by deposit account)		
DO NOT USE THIS SPACE					
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. <u>Michael A. Forhan, Reg. 46,706</u> Name of Person Signing  Signature <u>3-3-2004</u> Date Total number of pages including cover sheet, attachments, and documents: <u>3</u>					

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

CFR 3410.00 200809 10608265

Assignment of Rights in Invention (Sole inventor; single assignee)

Docket No.
036806.00393

Inventor

Residence of Inventor

Ralph F. Kalies

**5770 Kumbier Road
Picket, WI 54964**

Assignee

Residence or Principal Place of Business of Assignee

Omnicare, Inc.

**1600 Rivercenter II
100 East Rivercenter Blvd.
Covington, KY 41011**

Whereas, I, the above-identified Inventor, have invented certain new and useful improvements in:
IMPROVED PRESCRIPTION DRUG CO-PAYMENT PLAN Serial No. 60/392,066

(hereinafter referred to as "Invention") for which I am making application for Letters Patent in the United States of America;

And, whereas I desire to assign a 100% undivided interest in said Invention, said application disclosing the Invention and any Letters Patent which may be granted therefor to the above-identified Assignee, and whereas said Assignee is desirous of acquiring the entire right, title and interest in the same;

Now, this indenture witnesseth, that for the sum of **ONE** dollars (\$
1), and other good and valuable consideration, the receipt whereof is hereby acknowledged;

I hereby assign, sell and transfer a 100% undivided interest in said invention, said application, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted for said Invention, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to me with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States Letters Patent to said Assignee, as assignee of the whole right, title and interest thereto;

And I further agree to execute all necessary and lawful future documents, including assignments in favor of Assignee, or its designees as Assignee or its Assignees may from time-to-time present to me in order to perfect title in said Invention, modifications, and improvements in said Invention, applications and Letters Patent of the United States and countries foreign thereto:

Assignment of Rights in Invention
(Sole inventor; single assignee)

Docket No.
036806.00393

Inventor

Residence of Inventor

Ralph F. Kalies

5770 Kumbier Road
Picket, WI 54964

Assignee

Residence or Principal Place of Business of Assignee

Omnicare, Inc.

1600 Rivercenter II
100 East Rivercenter Blvd.
Covington, KY 41011

And I further agree to sign and properly execute such necessary and lawful papers for application for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee thereof shall hereafter require and prepare at its own expense.

Executed this 14 day of Oct, in the year 2002
at Cincinnati

State of Ohio

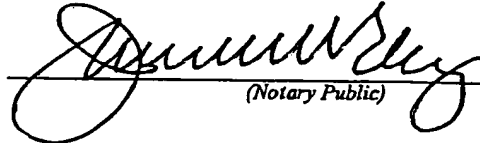
County of Hamilton


(Signature of Inventor)

Before me personally appeared Ralph F. Kalies
who acknowledged the foregoing instrument to be a free act and deed and also represented that he or she is authorized to
execute the same this 14th day of October, in the year 2002.



JAMES R. ELEY, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.


(Notary Public)